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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,595	09/05/2003	Paul R. Arntson	BING-I-1038	7958
60483	7590	09/08/2006		EXAMINER
LEE & HAYES, PLLC 421 W. RIVERSIDE AVE. SUITE 500 SPOKANE, WA 99201			SCHINDLER, DAVID M	
			ART UNIT	PAPER NUMBER
			2862	

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/656,595	ARNTSON, PAUL R.
Examiner	Art Unit	
David Schindler	2862	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 June 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10, 12-26, 28-45 and 47-53 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-10, 12-26, 28-45 and 47-53 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 27 June 2006 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

1. This action is in response to the communication filed 6/27/2006.

### *Response to Arguments*

2. Applicant's arguments filed 6/27/2006 have been fully considered but they are not persuasive.

With regard to the last paragraph of page 2 as well as page 3 and lines 1-3 of page 4 of the Remarks, the Examiner respectfully disagrees. The Examiner notes that applicant is claiming, and using claim 1 as an example, at least one field-directing member configured to provide a shaped magnetic field portion of the magnetic field, the shaped magnetic field portion including an approximately spherical portion at least partially extending through the working piece and outwardly beyond a second surface of the workpiece (see lines 3-7 of Claim 1). Applicant argues that "The use of shaped polepieces (or "pole pieces") to change the shape of the magnetic fields was known at the time the Applicant's application was filed" as noted on lines 3-5 of page 2 of the Remarks. However, the Examiner notes that the application as originally filed does not appear to enable the claims as no embodiment of the invention appears to disclose a shaped magnetic field portion including an approximately spherical portion as claimed for example on lines 5-6 of claim 1. Instead, and as noted below in the 35 U.S.C. 112 rejection, it appears that applicant has drawn a geometric shape around flux lines that do not appear to be shaped in the manner that applicant is claiming. Note applicant's Figure 1 for example. It appears that applicant has drawn a geometric figure in such a size and proportion so as to fit part of the curve of the flux lines emanating out of the

field-directing polepiece. However, the Examiner notes that the flux lines nevertheless do not appear to be spherical. Therefore, it does not appear that the disclosure enables the above noted claim feature.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-10, 12-26, 28-45, and 47-53 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

As to Claims 1, 21, 35,

With regard to the above claims, the Examiner notes that applicant claims, for example, a first portion including a magnet having a magnetic field emanating therefrom and at least one field-directing member configured to provide a shaped magnetic field portion of the magnetic field, the shaped magnetic field portion including an approximately spherical portion on lines 3-6 of Claim 1. The Examiner notes, however, that no field-directing member in the original disclosure appears to provide a shaped magnetic field portion of the magnetic field including the above mentioned

approximately spherical shape, or any of the shapes shown in the figures. Rather, the field-directing portions appear to provide a magnetic field, such as the field shown in Figure 1, around which the applicant has drawn a geometric figure. The Examiner notes, for example, that the magnetic field disclosed in figure 1 does not include a spherical or approximately spherical portion in the area around which applicant has drawn the geometric figure. Note the magnetic field line pattern. The same is true of the other magnetic fields disclosed in the other figures of the invention. A person of ordinary skill in the art would not know how to provide a shaped magnetic field portion including an approximately spherical portion, or any other shape shown in the drawings, given the original disclosure.

As to Claims 2-10, 12-20, 22-26, 28-34, 36-45, and 47-53,

These claims stand rejected for including the above rejected subject matter.

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

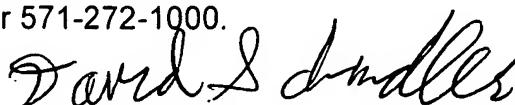
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Schindler whose telephone number is (571) 272-2112. The examiner can normally be reached on M-F (8:00 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on (571) 272-2180. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
David Schindler  
Examiner  
Art Unit 2862

DS

  
EDWARD LEFKOWITZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800